Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 78, Original

STATE OF CALIFORNIA,
Plaintiff,
vs.
STATE OF ARIZONA and the
UNITED STATES OF AMERICA,
Defendants.

ANSWER OF THE STATE OF ARIZONA

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State of Arizona

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Defendants.

ANSWER OF THE STATE OF ARIZONA

The State of Arizona, by its Attorney General Robert K. Corbin, and Assistant Attorney General Russell A. Kolsrud, pursuant to order of the Court entered February 22, 1979, hereby answers the complaint filed herein and admits, denies and alleges as follows:

I

Defendant State of Arizona admits the jurisdiction of this Court over the real property described in the exhibit attached to the complaint, but affirmatively alleges the jurisdiction is not exclusive and denies continuing jurisdiction over other areas.

II

In answer to paragraph II of the complaint, the State of Arizona admits that Title 28, United States Code, § 2409(a) confers consent to sue the United States to quiet title.

III

In answer to paragraph III of the complaint, the State of Arizona admits that, upon California's admission to the Union, California became the owner of the beds of all navigable rivers within its boundaries. Defendant denies the remaining allegations contained therein.

IV

In answer to paragraph IV, Defendant State of Arizona admits the Constitution of California reads as stated. Arizona further admits that the boundary between the States of Arizona and California was approved by Congress in 1966. Defendant denies the remaining allegations contained therein.

V

Defendant State of Arizona denies each and every allegation contained in paragraph V.

VI

In answer to paragraph VI, Defendant State of Arizona denies that California is the fee simple owner of all lands lying within the bed of the Colorado River as described on Exhibit A attached to the complaint.

VII

Defendant State of Arizona admits the allegations contained in paragraph VII.

VIII

In answer to paragraph VIII of the complaint, Defendant State of Arizona admits that the United States is a riparian land owner along the Colorado River. The State of Arizona is without knowledge or information sufficient to form a belief as to the remaining allegations and therefore denies the same.

IX

Defendant State of Arizona denies the allegations contained in paragraph IX.

X

Defendant State of Arizona denies the allegations contained in paragraph X.

XI

Defendant State of Arizona denies the allegations contained in paragraph XI.

XII

FAILURE TO STATE A CLAIM

The complaint filed by the State of California fails to state a claim upon which relief can be granted.

XIII

AFFIRMATIVE DEFENSES

1. Statute of limitations.

The commencement of this action by California is barred by the applicable California statute of limitations. Therefore, this action must be dismissed with prejudice.

2. Laches

This action is barred by the equitable doctrine of laches.

3. Estoppel

California is estopped from asserting title adverse to that of Arizona. The land in question has been occupied with full notice and California cannot at this date assert claims.

4. Waiver

California has waived any rights it may have otherwise asserted against the State of Arizona.

5. Affirmative Assertion of Title in the State of Arizona.

The lands described in Exhibit A attached to the complaint and adjoining lands belong to and are owned by the State of Arizona. Therefore, title should be quieted in Arizona.

XIV
ATTORNEYS' FEES

Since this action is equitable in nature the Court should award Arizona its reasonable attorneys' fees in defense of this litigation.

WHEREFORE, Defendant State of Arizona having fully answered the complaint hereby prays that a decree be entered as follows:

1. The complaint filed by California be dismissed with prejudice.

2. Adjudge that the plaintiff State of California and the defendant United States of America have no right, title or interest in or to the lands or any part thereof described in Exhibit A attached to the complaint.

3. Perpetually enjoin the State of California and the United States of America and each of them from ever asserting any right, title or interest in or to these lands or any part thereof.

4. Deny California's request to retain jurisdiction over future possible lawsuits regarding other areas along the Colorado River.

5. Quiet title in the State of Arizona to the lands described in Exhibit A attached to the complaint.

6. For the State of Arizona's costs of suit herein and reasonable attorneys' fees.

7. For such other and further relief as this Court may deem just and proper.

DATED this 5th day of April, 1979.

ROBERT K. CORBIN
Attorney General of the State of Arizona

By _____
RUSSELL A. KOLSRUD
Assistant Attorney General

Attorneys for Defendant
State of Arizona

PROOF OF SERVICE

RUSSELL A. KOLSRUD, a member of the bar of this Court, certifies that all parties required to be served have been served on this 5th day of April, 1979, by mailing three copies of this answer, airmail postage prepaid, and addressed to:

(i) The Honorable Edmund G. Brown, Jr.
Governor of the State of California
State Capitol
Sacramento, California 95814

(ii) Evelle J. Younger
Attorney General of California
Allan J. Goodman
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(iii) Wade J. McCree, Jr.
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RUSSELL A. KOLSRUD